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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CONTEMPT PETITION NO. 628 OF 2022
WITH
COURT RECEIVER REPORT NO. 14 OF 2023
COURT RECEIVER REPORT NO. 19 OF 2024
IN
CONTEMPT PETITION NO. 628 OF 2022**

Shaikh Amjad Ali and AnotherPetitioners

Vs.

M. R. Builder and Developer and OrsRespondents

**WITH
INTERIM APPLICATION NO. 9882 OF 2024
IN
CONTEMPT PETITION NO. 628 OF 2022**

Mohammed Ali QureshiApplicant

IN THE MATTER BETWEEN

Shaikh Amjad Ali and AnotherPetitioners

Vs.

M. R. Builder and Developer and OrsRespondents

Mr. Akash S. Bhogil i/b Mr. Nitesh Acharya for the petitioners
Mr. Gireesh U. G. Menon for respondent no. 1
Mr. D. J. Haldankar AGP for respondent-State
Mrs. Charusheela Vaidya, 2nd Assistant to Court Receiver.

CORAM : GAURI GODSE, J.

DATE : 11th DECEMBER 2024.

ORDER:

1. By order dated 9th December 2024, a statement on behalf of the contemnor was recorded that he would pay further amount of Rs. 10 Lakhs today and the remaining amount would be paid on or before 3rd January 2025. A Statement on behalf of the contemnor was also recorded that he would file a fresh undertaking in this Court stating that he would pay the balance amount of Rs. 24 Lakhs on or before 3rd January 2025. By order dated 9th December 2024, contemnor was permitted to file an undertaking on or before 11th December 2024, failing which it was directed that non bailable warrant issued by this Court by order dated 5th December 2024 shall be executed immediately.

2. In spite of an undertaking given to this Court, the contemnor has neither complied with the assurances nor has remained present in the Court today.

3. Learned counsel appearing for the contemnor has handed over a demand draft for an amount of Rs. 2 Lakhs to the petitioner. Without

prejudice to the rights and contentions of the petitioner, the petitioner is permitted to accept the said amount.

4. In view of the aforesaid, the contemnor has committed aggravated contempt and is thus held guilty of committing contempt of this Court.

5. Office is directed to re-issue non bailable warrant to secure the presence of contemnor on 18th December 2024.

6. Pursuant to the order dated 23rd June 2023 passed in the contempt petition, the Court Receiver has taken possession of six flats as stated in paragraph 8 of the said order.

7. As per the Court Receiver's Report No. 14 of 2023, flat nos. 101, 102 and 103 on the first floor are under construction and are covered by plysheets. The Court Receiver has taken physical possession of the said flats and the report contains the status of the said flats. So far as flat nos. 201, 202 and 203 on the second floor are concerned, the said flats are also under construction, however, there are no walls and only slab of the third floor is constructed. Court Receiver Report No. 19 of 2024 records that Court Receiver has taken physical possession of flat nos. 201, 202 and 203 on the second floor. There is a site report

annexed to the Court Receiver's Report No. 19 of 2024 indicating the description of the said flats.

8. In view of the aforesaid, Court Receiver is directed to initiate proceedings for auction of flat nos. 101, 102 and 103 on the first floor and flat nos. 201, 202 and 203 on the second floor.

9. List the contempt petition on 18th December 2024 at 2.30 p.m. for recording compliance of the execution of the non-bailable warrant.

10. Court Receiver is permitted to place on record a report regarding further directions necessary for actual expenditure for completing the process.

11. The parties shall remain present in the office of the Court Receiver on 16th December 2024 at 4.00 p.m. for preliminary meeting for initiating the process of auction.

[GAURI GODSE, J.]